

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

IN RE:	:	Chapter 11
	:	
SPRINGFIELD DAIRY, LLC,	:	Case No. 10-35426
	:	
Debtor.	:	Judge Whipple
	:	

**OBJECTION OF THE AGSTAR ENTITIES TO DEBTOR'S  
AMENDED FIRST DAY CASH COLLATERAL MOTION**

Agstar Financial Services, FLCA (“FLCA”) and Agstar Financial Services, PCA (“PCA” and together with FLCA, “AgStar” or the “AgStar Entities”), by and through their undersigned counsel, hereby renew their objection [Docket No. 19] (the “Objection”)<sup>1</sup> to Debtor’s *Amended First Day Cash Collateral Motion* [Docket No. 12] (the “Motion”). Paragraph 8 of the *Agreed Interim Order Authorizing Limited Use of Cash Collateral Pursuant to Bankruptcy Code Section 363 and Granting Adequate Protection Pursuant to Bankruptcy Code Sections 361 and 363* [Docket No. 45] (the “Interim Cash Collateral Order”) establishes a deadline of September 16, 2010 at 5:00 p.m. E.D.T. (the “Objection Deadline”) for additional objections to Debtor’s further use of cash collateral. As of the Objection Deadline, AgStar and Debtor have not reached an agreement regarding Debtor’s continued use of cash collateral beyond Authorized Period set forth in the Interim Cash Collateral Order. Thus, pursuant to Bankruptcy Code Section 363, this Court cannot grant the Motion without either (i) the AgStar Entities’ consent to use cash collateral or a demonstration by Debtor that it is providing PCA with adequate protection of its interest in the cash collateral. 11 U.S.C. § 363.

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<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Objection.

## **RESERVATION OF RIGHTS**

The AgStar Entities reserve the right (a) to amend, supplement, or otherwise modify this Objection as they deem necessary or proper; (b) to raise such other and further objections to Debtor's use of cash collateral at or before any interim or final hearing(s) on the Motion; and (c) to object to any line items in the budget, including interim compensation fees.

**WHEREFORE,** AgStar respectfully request that this Court either (i) enter an Order denying Debtor use of Cash Collateral, including the DFA Milk Payments, or (ii) enter an Interim Order permitting use of Cash Collateral solely on an interim basis that (a) the DFA Milk Payments be accounted for by Debtor and funds disbursed or used by Debtor only in accordance with an appropriate budget agreed to by the AgStar Entities; (b) provides appropriate adequate protection to PCA including, at a minimum, post-petition replacement security interests and liens in favor of PCA in all the Springfield Dairy Collateral and payment, commencing immediately and continuing on an interim basis, of principal and interest due on the PCA Notes amortized over 5 years at a rate of 5.5%, consistent with market conditions and (c) requires the payment by Debtor to FLCA of all payments required under the Lease.

Respectfully submitted,

/s/ Christopher B. Wick

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the *Objection of the AgStar Entities to Debtor's Amended First Day Cash Collateral Motion* were served upon the parties identified on the attached Service Lists on the 16<sup>th</sup> day of September, 2010 by the method indicated.

/s/ Christopher B. Wick

*One of the Attorneys for AgStar Financial Services,  
FLCA and AgStar Financial Service, PCA*

## **SERVICE LIST**

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case and who were served by the Court's electronic noticing system: Parties may access this filing through the Court's system:

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The following is the list of **parties** who are not currently on the list to receive e-mail notice/service for this case and who were served by United States Mail, postage prepaid:

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